

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMERCIAL AND EQUITY DIVISION
COMMERCIAL LIST

F. 5382
BETWEEN:

No. 2115 of 2001

**ANSETT AUSTRALIA GROUND STAFF SUPERANNUATION PLAN PTY LTD
(ACN 065 590 178) (as Trustee of the Ansett Australia Ground Staff
Superannuation Plan) and ANSETT AUSTRALIA PILOTS/MANAGEMENT
SUPERANNUATION PLAN PTY LTD (ACN 065 590 043) (as trustee of the Ansett
Transport Industries Limited Pilots/Management Superannuation Plan)**
Plaintiffs

and

**ANSETT AUSTRALIA LIMITED (Administrators Appointed) (ACN 004 209 410)
AND OTHERS**
Defendants

AFFIDAVIT OF PETER EDMUND CASH

Date of document:
Filed on behalf of:

15 March 2002
The plaintiffs

Prepared by:
DEACONS
Lawyers
385 Bourke Street
MELBOURNE VIC 3000

Solicitors code: 370
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Ref: P E Cash

I, **Peter Edmund Cash** of 385 Bourke Street, Melbourne, Victoria, solicitor, **make oath
and say** as follows:

1. I am a member of Deacons, the solicitors for the plaintiffs. I am authorised to swear this affidavit on their behalf. I do so from my own knowledge.
2. On 13 March 2002 at 4.44pm I sent a letter by email to Mr Paul Chiappi of Arnold Block Liebler, the solicitors for the first and second defendants. Simultaneously, I sent a copy of that letter by email to the solicitors for each of the third and fourth defendants, to the solicitors for the ACTU, Maurice Blackburn Cashman, and to Mr Wollan. Now produced and shown to me and marked "PEC1" is a copy of that letter.
3. On 14 March 2002 at 7.58pm I sent an email to Mr Chiappi, to the solicitors for each of the third and fourth defendants, to Simone Bingham of Maurice

Blackburn Cashman and to Mr Wollan attaching a copy of the amended originating motion marked up with various proposed amendments. Now produced and shown to me and marked "PEC2" is a copy of that email and the attached document.

- 4. At the time of swearing this affidavit I have not received a response to my letter of 13 March 2002 from the solicitors for the first and second defendants.
- 5. The primary purpose of the request made in that letter for details of the additional Ansett employees whose employment has been terminated by the second defendants was to enable appropriate further amendments to be made to the amended originating motion. Those amendments are necessary in order that the declarations and answers to questions now sought in the proceeding will apply to *all* terminated employees who are members of the Ansett Ground Staff or Pilots/Management Superannuation Plans.
- 6. In the absence of this information, the plaintiffs propose to amend the amended originating motion so that it does refer to all such members, but without reference to the particular dates upon which the second defendants notified the various members of the termination of their employment. The plaintiffs seek leave to make amendments to the amended originating motion to this effect, and to make the amendments marked in the document enclosed with my letter of 14 March 2002 (PEC2).

Sworn at Melbourne, Victoria on
15 March 2002

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PETER EDMUND CASH

Before me:



ABIGAIL RUTH MCGREGOR

385 Bourke Street
Melbourne, Victoria

A natural person who is a current
practitioner within the meaning of the
Legal Practice Act 1996

This affidavit is filed on behalf of the plaintiffs